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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,519	12/12/2003	Norberto Julio Chirkes	36322	9979
116	7590	03/21/2005		
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			EXAMINER GILMAN, ALEXANDER	
			ART UNIT 2833	PAPER NUMBER

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

**Office Action Summary**

Application No.

10/734,519

Applicant(s)

CHIRKES, NORBERTO JULIO

Examiner

Alexander D. Gilman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.  
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-10 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) ☐ Notice of Informal Patent Application (PTO-152)  
 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 8, 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatton in view of Limoge et al.

With regard to claims 1, 8, 9, Hatton discloses a compact fuse holder (Fig. 5, 4) for an automobile which comprises:

a small plate (410) including at least two protective circuits, each one of them comprises a resettable fuse (430) consisting in a positive temperature coefficient element (PTC) connected to two terminals, being each pair of terminals of each of the protective devices connected to a light signal generating circuit, wherein each protective circuit presents two input and output connectors, and such each pair of terminals are additionally connected to a sole second light signal (r.n.370, connected to a visual tester).

Patton explicitly does not disclose that fuse (430) consisting in a positive temperature coefficient element (PTC).

Limoge et al (US 6,259,170) disclose fuse (430) consisting in a positive temperature coefficient element (44,46,48) (col. 4, lines 38-45).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use PTC in the device, as taught by Limoge et al, to utilize advantages of the resettable fuse of new technology

With regard to claim 10, Hatton when modified by Limoge et al discloses that input and output connectors are male or female connectors (since just these two types of connector can be used for connecting with

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fuse)

Claims 2, 4, 5, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatton in view of Limoge et al as applied to claim 1 above, and further in view of Dohi et al.

With regard to claim 2, Hatton when modified by Limoge et al discloses all of the limitations except for explicitly suggesting permanent disposing the sole second light signal on the small plate.

Dohi et al (US 4,782,301) disclose permanent disposing the sole second light signal (39) on the small plate

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to permanently dispose the sole second light signal on the small plate, as taught by Limoge et al, to operatively evaluate status of the fuses.

With regard to claims 4-6, Hatton when modified by Limoge et al and Dohi et al discloses (Hatton) audible signal generating circuit (360, buzzer) located on the small plate.

Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatton in view of Limoge et al as applied to respective claims 1, 2 above,

Hatton when modified by Limoge et al and Dohi et al discloses all of the limitations except for the sole second light signal being installed in the vehicle dashboard

It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the the single light on the dashboard, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

### ***Response to Arguments***

Applicant's arguments filed 01/03/2005 have been fully considered but they are not persuasive.

With regard to claim 1, Applicants argue that the prior art (Hatton) teaches away from incorporating a polymeric positive temperature coefficient resettable fuse since Hatton suggests use of an indicator to

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identify a blown fuse to permit location and replacement of the blown fuse. Applicants argue that non-using the indicator as a result of replacement of the traditional fuse with PCT, destroys Hatton.

However, it is obvious the replacement of the traditional fuse with PCT would eliminate the indicator identifying a blown fuse. That elimination is an obvious expedient since it has been held that omission of an element and its function in a combination where the remaining elements perform the same functions as before involves only routine skill in the art. *In re Karlson*, 136 USPQ 184. Hence eliminating the indicator is not an obstacle for modification of Patton.

With regard to claim 10, Applicants argue that Hatton when modified does not disclose all male, all female, or male for the input and female for the output, or vice versa.

However, as it was shown in the rejection, since just two types of connectors male or female can be used for connecting fuses in the prior art, that requirement is satisfied.

With regard to claim 3, 7, Applicants argue that requirement of the sole second light signal to be installed in the vehicle dashboard is not suggested by the prior art.

As it was shown in the rejection, It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the the single light on the dashboard, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander D Gilman whose telephone number is 571 272-2004. The examiner can normally be reached on Monday-Friday, 10:30 a.m. - 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571 272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

03/11/2005

*Alex Gilman*  
ALEXANDER D GILMAN  
PRIMARY EXAMINER